

### § 18.36

appropriate hourly rate and billable hours when adjudicating attorney fees.

(5) *Requirements for an order.* An order imposing a sanction must describe the sanctioned conduct and explain the basis for the sanction.

(d) *Inapplicability to discovery.* This section does not apply to disclosures and discovery requests, responses, objections, and motions under §§ 18.50 through 18.65.

### § 18.36 Amendments after referral to the Office of Administrative Law Judges.

The judge may allow parties to amend and supplement their filings.

#### PREHEARING PROCEDURE

### § 18.40 Notice of hearing.

(a) *In general.* Except when the hearing is scheduled by calendar call, the judge must notify the parties of the hearing's date, time, and place at least 14 days before the hearing. The notice is sent by regular, first-class mail, unless the judge determines that circumstances require service by certified mail or other means. The parties may agree to waive the 14-day notice for the hearing.

(b) *Date, time, and place.* The judge must consider the convenience and necessity of the parties and the witnesses in selecting the date, time, and place of the hearing.

### § 18.41 Continuances and changes in place of hearing.

(a) *By the judge.* Upon reasonable notice to the parties, the judge may change the time, date, and place of the hearing.

(b) *By a party's motion.* A request by a party to continue a hearing or to change the place of the hearing must be made by motion.

(1) *Continuances.* A motion for continuance must be filed promptly after the party becomes aware of the circumstances supporting the continuance. In exceptional circumstances, a party may orally request a continuance and must immediately notify the other parties of the continuance request.

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(2) *Change in place of hearing.* A motion to change the place of a hearing must be filed promptly.

### § 18.42 Expedited proceedings.

A party may move to expedite the proceeding. The motion must demonstrate the specific harm that would result if the proceeding is not expedited. If the motion is granted, the formal hearing ordinarily will not be scheduled with less than 7 days notice to the parties, unless all parties consent to an earlier hearing.

### § 18.43 Consolidation; separate hearings.

(a) *Consolidation.* If separate proceedings before the Office of the Administrative Law Judges involve a common question of law or fact, a judge may:

- (1) Join for hearing any or all matters at issue in the proceedings;
- (2) Consolidate the proceedings; or
- (3) Issue any other orders to avoid unnecessary cost or delay.

(b) *Separate hearings.* For convenience, to avoid prejudice, or to expedite and economize, the judge may order a separate hearing of one or more issues.

### § 18.44 Prehearing conference.

(a) *In general.* The judge, with or without a motion, may order one or more prehearing conferences for such purposes as:

- (1) Expediting disposition of the proceeding;
- (2) Establishing early and continuing control so that the case will not be protracted because of lack of management;
- (3) Discouraging wasteful prehearing activities;
- (4) Improving the quality of the hearing through more thorough preparation; and
- (5) Facilitating settlement.

(b) *Scheduling.* Prehearing conferences may be conducted in person, by telephone, or other means after reasonable notice of time, place and manner of conference has been given.

(c) *Participation.* All parties must participate in prehearing conferences as directed by the judge. A represented party must authorize at least one of its attorneys or representatives to make